

MINUTES

Committee Meeting
December 12, 2005

Meeting convened: 1:05 p.m.

Discussion	Assignee	Due
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I. Chair's Report

To accommodate schedules, the agenda order will be as follows: 1. CCO 24 2. Hinge Pipe Beam 3. Definition of Public Enemy At 1:55 p.m., Will Kempton had to leave for another meeting and Diane Eidam acted as Chairperson for the remainder of the meeting.		
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II. Consent Calendar

<ul style="list-style-type: none"> The November 23 Minutes should be corrected to show that the E2/T1 CCO was approved for \$81M. The correction to the November 23 Minutes was made by hand. All of the Minutes were approved as corrected and signed. 		
A. <i>September 22, 2005 Minutes*</i>		
B. <i>October 31, 2005 Conf. Call Minutes**</i>		
C. <i>November 8, 2005 Conf. Call Minutes**</i>		
D. <i>November 21, 2005 Meeting Minutes*</i>		
E. <i>November 23, 2005 Conf. Call Minutes*</i>		

III. Monthly Progress Report

A. *Draft December 2005 Progress Report*

The Draft Monthly Report is provided for comment and its approval will require a conference call.	Andy Premier	12/31/05
The 3 rd Qtr Report was well received by the Legislature and Secretary McPeak requests that future quarterly reports remain in the same format for ease of use.		

IV. Timing of Toll Accounting Staff Transfer

<ul style="list-style-type: none"> With the transfer of toll fund management to the Bay Area Toll Authority, the responsibility for Toll Accounting is also moving from the Department to BATA. This shift affects the employment of the current Department Toll Accounting Staff and is being addressed successfully by allowing Department staff to transfer to BATA. Any employee that opts out of the transfer will be retained by the Department. The plan has been to affect the change in status with the 	Andy Premier	1/1/06
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defeasance of bonds scheduled in February, but the office space will be available in January. The Department supports an earlier transfer, but wants to make sure the Union agrees.		
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V. SFOBB East Span Project

A. Letter to Congressmembers Honda and Tauscher*

When the letter is finalized by BATA cc will be transmitted to TBPOC members.		
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B. TY Lin/Moffatt & Nichol Settlement*

Responses to previous TBPOC comments have been incorporated, addressing legal and audit questions. It is being routed within the Department for signature. The Joint Venture will be available for support during the construction on an on-call basis.		
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C. Definition of Public Enemy*

<ul style="list-style-type: none"> At the previous TBPOC Meeting, the staff briefed the members about a Bidders Inquiry about responsibility for terrorist acts and how the definition of Public Enemy in the Standard Specification applies. At the present time, terrorist acts are not considered acts of the Public Enemy and are therefore the responsibility of the contractor. Insurance industry research since that first discussion has determined that the cost to a contractor for insurance is from \$0.5M to \$1.5M. Based upon the low cost of the insurance, the current specification could remain as written and in the response to the Bidders Inquiry, a statement issued indicating that acts of terror are not considered Acts of the Public Enemy. The risk of such an event is low, so the Department could accept it, considering itself self-insured. This would require and addendum to the contract. Input from Will Kempton is needed if an addendum is the option. Schedule for TBPOC action at upcoming conference call meeting. 	J. Tapping	12/15/06
Can Addendum No. 6 be issued by December 31?	J. Tapping	12/15/06
A PMT teleconference will be conducted prior to the TBPOC meeting to clarify the options and actions.	J. Santos	12/14/06

VI. SFOBB East Span SAS Contract

A. Letter to Bidders GOAR update*

It is not possible to get a signature from the Governor by the December 16 th , so the GOAR will be changed to a CIR to secure the Secretary's signature.	J. Tapping	12/19/06
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B. Addendum #5 Approval**

Contractor Outreach on Nov. 30 focused on schedule and cash flow concerns raised through questions and comments from the potential		
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<p>bidders. Based upon that Outreach, Addendum #5 includes theses major changes:</p> <ul style="list-style-type: none"> • Payment for fabricated material – unclear spec cleaned up • Shop Drawing submittal and review – improvements made to the specification to reduce time impacts to the contract schedule • Wood mock-ups could delay the project – the requirement was removed • Contract conflict with the YBI structures – removed the Hinge K intermediate milestone by shifting the point of interface • Insufficient contract duration time - increased the number of contract working days by 6 months, not 1 year as requested, and in so doing continue to encourage multiple bids <p>Ductility of Temporary Tower was debated at the Outreach, but the opportunity for benefit is minimal and no change was made.</p>		
Look at “parking and boat access” description to allow for flexibility for contractor.	J. Tapping	12/22/05
Addendum #5 Approved with the plan to work with the successful contractor through the CRIP process to achieve “Open to Traffic” in 2012 and to keep the costs down.		

C. Addendum #6 Update*

<ul style="list-style-type: none"> • Staff plans to post this Addendum the first week of January. There will need to be a teleconference to secure approval. • The TBPOC members would like to post it by December 31. 		
A teleconference on Addendum #6, including Monthly Report approval, will be arranged to make a December 31 or earlier posting possible.	J. Tapping	12/22/05

VII. SFOBB East Span Skyway Contract

A. Hinge Pipe Beam DRB Update*

The DRB hearing process has been completed. The DRB is now deliberating on the decision. They are supposed to conclude their deliberations within 30 days, although they have indicated they may need more time. Such an extension would release the finding by the middle of January 2006.		
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VIII. SFOBB East Span South/South Detour Contract

A. CCO 24 – Time Extension*

<ul style="list-style-type: none"> • Diane Eidam recused herself on this item and requested that Stephen Maller act in her place. • The tie-in to the existing structure was suspended due to a desire to minimize the amount of time that traffic would be on the detour. The rest of the work is continuing. There are options to 		
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complete the tie-ins, which will be evaluated by the PMT. <ul style="list-style-type: none"> This Supplemental CCO adds 381 days and \$4.8M to cover added time-related overhead. Increases in the direct costs of the work are not included, but will likely be a couple million dollars. There is a companion funds request being processed within the Department. 		
There is a discrepancy between the forecast in the Monthly Report pg. 16 and the approved budget. The Estimate at Completion shows a greater funding need than the CCO funding chart. The method to determine the Forecast must be explained.	Jon Tapping	12/19/05
Modify the Monthly Report forecasts to reflect the budget until a consistent forecast method is run through for each contract.	Andy Premier	12/19/05
CCO #24 approved at \$4.8 million.		

IX. Review of BATA Organization

Show the TBPOC on the charts to reflect that the TBPOC is overseeing the organization through a reporting relationship. This will better reflect the team effort.	PMT	1/19/06
Produce a multi-agency organization chart.	PMT	1/19/06

X. Status of Caltrans Toll Program Manager and East Span Project Manager hiring

In the final stages of the process and the committee will be consulted before finalizing the decision.		
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XI. PMT Workshop plan

The goal is to get the team working efficiently and effectively.		
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XII. Other Business

Dumbarton and Antioch were mentioned in the 3 rd Quarter Report, so we should give the Legislature the plan of action in the 4 th Quarter Report.	Mo Pazooki & Rick Land	1/19/06
Thank you gift provided to Diane from MTC. She thanked the attendees on being a great team on great projects.		

XIII. Next Meeting: January 19, 2006, 1:00 p.m., Bay Area


Adjourned: 2:25 p.m.



Toll Bridge Program Oversight Committee

MINUTES
Committee Meeting
December 12, 2005

APPROVED BY:




WILL KEMPTON, Director
California Department of Transportation

3-9-06
Date



DIANE C. EIDAM, Executive Director
California Transportation Commission

3/15/06
Date



STEVE HEMINGER, Executive Director
Bay Area Toll Authority

3/23/06
Date



Toll Bridge Program Oversight Committee

MINUTES TBPOC CONFERENCE CALL December 14, 2005

Participants: Will Kempton, Chairperson; Steve Heminger, Diane Eidam,
Randy Iwasaki, Andrew Fremier, Stephen Maller
Presenter – Jon Tapping (SFOBB Project Manager, Acting)

Meeting convened: 3:00 p.m.

As a follow-up to their December 12, 2005 meeting, the Toll Bridge Program Oversight Committee (TBPOC) held a conference call on December 14, 2005 to act on the following issue:

I. SAS Bridge Contract - Definition of Public Enemy

- The TBPOC provided comments on the definition of “public enemy” as it relates to SAS risk allocation, which was presented during the December 12, 2005 TBPOC meeting.
- The TBPOC had requested that additional research be conducted on the details of the “public enemy” definition in response to SAS bidder inquiries. To this end, Caltrans made an assessment and identified two options:
 - Option 1: Current SAS Contract/Risk Transfer/Contractor accepts risk or;
 - Option 2: Risk Retention/Department accepts risk.
- TBPOC members (Kempton, Heminger, Eidam) approved moving forward with Option 2. This option involves issuing an addendum to broaden the public enemy definition to include “acts of terrorism.”




Toll Bridge Program Oversight Committee

MINUTES
TBPOC CONFERENCE CALL
December 14, 2005

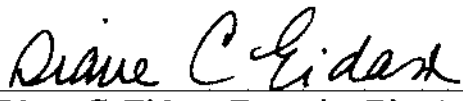
APPROVED BY:



WILL KEMPTON, Director
California Department of Transportation



Date



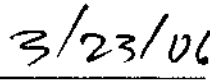
Diane C. Eidam, Executive Director
California Transportation Commission



Date



STEVE HEMINGER, Executive Director
Bay Area Toll Authority



Date

MINUTES
TBPOC CONFERENCE CALL
December 22, 2005

Participants: Will Kempton, Steve Heminger, John Barna, Rod McMillan, Randy Iwasaki, Andy Fremier, Stephen Maller and Jon Tapping

Meeting convened: 5:01 p.m.

I. SAS Bridge Contract Addendum No. 6 Approval

- This is the last planned addendum for this contract. If approved today, the addendum will be published by the end of the year providing the bidders a month to respond prior to bid opening.
- A summary of the major elements of the addendum was presented to the TBPOC. Not all changes identified to date are incorporated and will have to be addressed during construction, but none of these are expected to cost a great deal.
- The TBPOC unanimously approved Addendum No. 6 with the condition that when it is issued, the cover letter should state that "We expect this to be the final addendum, and we look forward to your bid on February 1."

II. Monthly Progress Report

- The PMT noted the opportunity to update the SAS risk management analysis in the Monthly Report to coincide with the 4th Quarter Report (to be issued in February), to reflect the presentation developed jointly by Caltrans, BAMC and Caltrop. This would make it possible to reflect actions taken to reduce some of the risks prior to bid opening.
- The TBPOC requested that the reports be left in their current format until the SAS bids are opened. The changes can be made to the 1st Quarter Report.
- The Draft Monthly Report has some recently identified schedule inconsistencies resulting from the TBPOC decision to extend the SAS Contract duration by six months and from other as yet undetermined reasons. Staff needs a few additional days to get the details corrected.
- On page 36 of the Draft Monthly Report, the Benicia-Martinez Potential Construction Issues table provides details that might put Caltrans and the TBPOC at a disadvantage when negotiating contractor claim settlements. Instead, the Report should discuss the risk factors without getting into the specifics of probability and cost. In addition, remove dollar scales on all Baseline vs. Current Risk comparisons.
- Staff will make the above changes and schedule another conference call on Thursday, December 29, for approval of the Monthly Progress Report.

III. Other Issues**A. Public Relations**

- There would be value to have Director Kempton, Executive Director Heminger and MTC's Public Relations Deputy, Randy Rentschler, meet with a couple of key legislators before February 1st. The PMT must provide some potential scenarios and talking points prior to the meeting to ensure uniformity of communication.

B. Quarterly Report

- The TBPOC reiterated to the PMT that the Quarterly Reports should reflect information through the end of the reported quarter. The update on the February 1st SAS bid opening should be included in the cover memo transmitting the report or in a separate letter on February 2nd or 3rd before the report is issued.

Adjourned: 5:24 p.m.

APPROVED BY:

WILL KEMPTON, Director
California Department of Transportation

3-8-06

Date



JOHN F. BARNA, Jr., Executive Director
California Transportation Commission

3-10-06

Date



STEVE HEMINGER, Executive Director
Bay Area Toll Authority

3/23/06

Date



Toll Bridge Program Oversight Committee

MINUTES **TBPOC CONFERENCE CALL** **December 29, 2005**

Participants: Will Kempton, Steve Heminger, John Barna, Bijan Sartipi, Dan McElhinney, Jose Aguirre, Randy Iwasaki, Andy Fremier, Stephen Maller and Jon Tapping

Meeting convened: 3:33 p.m.

This follow-up meeting to the December 22 conference call is for approving the December 2005 Monthly Progress Report. Additionally, a letter received from American Bridge/Fluor JV dated December 27, 2005 was included in today's agenda for discussion.

Director Kempton started the meeting by formally welcoming new CTC Executive Director John Barna to the TBPOC.

I. December 2005 Monthly Progress Report

- There is a need for talking points to ensure consistent responses, internally and externally, to possible inquiries following publication of the Monthly Progress Report.
 - Page 6 of the Monthly Progress Report gives a summary of the major highlights and changes that have taken place between reports.
 - Page 9 which provides the SAS risk management information (to be updated for bid opening) is the type of information helpful to the TBPOC in addressing the press when these reports (monthly and quarterly) are distributed.
 - As far as talking points and media strategy, the PMT is working to coordinate with all pertinent offices to provide a high level of proper input to the media.
 - The steps that the PMT takes to plan ahead for media questions were summarized for the TBPOC, starting with reference to the Bay Bridge Communication Plan.
- The staff made the revisions previously agreed upon at the meeting on December 22.
- The report now reflects updated financial information through November, which was not available when the draft was e-mailed to the participants prior to the meeting.
 - The Seismic Funds increased by \$4 million due to a refund from the City of San Francisco as part of the West Span retrofit; and
 - The Richmond-San Rafael information next month will reflect the return of the exceptions from the contractor consistent with the Final Estimate.

- The TBPOC unanimously approved the release of the December 2005 Monthly Progress Report.

II. American Bridge/Fluor JV (AB/F JV) Request for a Two-Month Bid Date Extension

- The seven issues enumerated in the AB/F JV letter of December 27 were briefly addressed.
- Responses to most issues are covered by applicable enhancements implemented under Addendum 6 and applicable bidder inquiry responses.
- The TBPOC agreed that the issues raised were not significant enough to warrant a two-month delay in the bid opening date.
- The TBPOC also agreed that Addendum No. 6 and bidder inquiry responses should sufficiently address the request for a 6-month extension of the milestone dates and that no change would be made in the contract duration.

III. Other Issues

A. Bid Update

- A letter from the Secretary to all prospective bidders asking them to bid is not advisable at this time and might be misunderstood.
- To ensure that a competitive bidding pool still exists, Director Kempton will call the CEO's of the expected bidders before the TBPOC 1/19/06 meeting. A report on these conversations will be made at the TBPOC 1/19/06 Meeting.

B. Carquinez Bridge Demolition

- The Demolition effort has the potential to be a very visible and successful element of TBPOC's work and thereby produce a positive news release. This is particularly relevant to the Bay Bridge, since a successful demolition here will bode well for the demolition of the SFOBB cantilever section in the future.
- A brief presentation to show the staging of the demolition will be helpful to the TBPOC and will be scheduled.
- The Crockett officials are interested in holding a "Retirement of the Bridge Event" sometime in January; this would be similar to what was done for the ground breaking ceremony for the new bridge.
- The TBPOC authorized District Director Sartipi to work with the Crockett officials on this event to which the TBPOC would be invited.

Adjourned: 4:17 p.m.



Toll Bridge Program Oversight Committee

APPROVED BY:

WILL KEMPTON, Director
California Department of Transportation

3-23-06

Date

JOHN F. BARNA, Jr. Executive Director
California Transportation Commission

3-10-06

Date

STEVE HEMINGER, Executive Director
Bay Area Toll Authority

3/23/06

Date